

Application No. 09/942,250
Amendment dated
After Final Office Action of October 19, 2005

Docket No.: 60680-1187

REMARKS

Applicants have carefully reviewed the Office Action mailed October 19, 2005. In response to the Office Action, Applicants have amended claims 1 6, 11, and 13, and cancelled claim 3. By way of this amendment, no new matter has been added. Accordingly, claims 1, 2 and 4-14 remain pending in this application. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-14 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply wih the written description requirement. Applicants respectfully traverse the rejection.

When describing an invention to one of skill in the art, the presentation of "terms need only be reasonable with respect to the art involved; they need not inform the layman nor disclose what the skilled already possess. They need not describe the conventional. The intricacies need not be detailed ad absurdum." *General Electric Company v. Brenner, Comr. Pats.*, 159 USPQ 335, 337 (CADC 1968). Furthermore, "[r]equiring inclusion in the patent of known scientific/technological information would add an imprecise and open-ended criterion to the content of patent specification, could greatly enlarge the content of patent specifications and unnecessarily increase the cost of preparing and prosecuting patent applications, and could tend to obfuscate rather than highlight the contribution to which the patent is directed. A patent is not a scientific treatise, but a document that presumes a readership skilled in the field of the invention." *Ajinomoto Co. v. Archer-Daniels-Midland Co.*, 56 USPQ2d, 1332, 1338 (Fed. Cir. 2000).

INDEPENDENT CLAIMS 1 AND 11

In rejecting independent claims 1 and 11, the Examiner states "there is no support for bending at least one finger of the insert by applying a second force greater than the first force." Accordingly, independent claim 1 as been amended to clearly claim "applying a second force greater than the first force to bend a portion of said blank metal substrate such that the orientation of at least one finger extending from said blank metal substrate relative the blank metal substrate is changed," and independent claim 11 has been amended to clearly claim that

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the "blank metal substrate is shaped by bending portions of said blank metal substrate such that the orientation of at least one of a plurality of fingers that extend from said blank metal substrate relative another one the plurality of fingers is changed." Support for these amendments can be found, at least, in FIGS. 6, 8, and 10, and page 7, lines 22-26.

INDEPENDENT CLAIM 13

In rejecting independent claim 13, the Examiner states "there is no mention of the predetermined portion being that portion of the blank substrate not shaped by the second force." Claim 13 positively recites "wherein said predetermined portions of said blank metal substrate are not shaped by said second force." Applicants note that the embodiment illustrated in FIGS. 4 and 5 clearly illustrate which predetermined portions of the blank metal substrate have an elastomeric material supplied thereto, and which sections of the blank metal substrate are shaped. Importantly, the embodiment discussed in page 6, line 21, provides that "the insert is placed into the cavity 51 as a flat metal blank."

With these clarifying amendments and remarks presented herein, independent claims 1, 11 and 13 are in condition for allowance.

DEPENDENT CLAIMS

Dependent claims 2, 4-10, 12, and 14 are also patentable by being dependent on an allowable base claim. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 3 and 6 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully traverses the rejection.

As mentioned above, Claim 3 has been cancelled.

In rejecting claim 6, the Examiner states "a sealing bead is not supplied, rather a sealing bead is molded." Claim 6, as amended, positively recites "supplying the elastomeric material." Accordingly, claim 6 would be understood by one of skill in the art. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

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Docket No.: 60680-1187

Conclusion

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed no fees are due with this response. However, if any fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 60680-1187 from which the undersigned is authorized to draw.

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